

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

JOHN D. CERQUEIRA,

Plaintiff,

v.

AMERICAN AIRLINES, INC.,

Defendant.

Civil Action No: 05-11652-WGY

**DECLARATION OF BENJAMIN BLUSTEIN**

I, Benjamin Blustein, declare:

1. I am a staff attorney with the Lawyers' Committee for Civil Rights Under Law, 1401 New York Avenue, NW, Suite 400, Washington, DC 20005. The Lawyers' Committee is a nonpartisan, nonprofit civil rights law firm that was formed at the request of President Kennedy in 1963. For over 40 years, the Lawyers' Committee has partnered with the private bar in the areas of litigation, transactional work, and public policy advocacy to further America's efforts to realize equal opportunity and racial equality.

2. I am a member in good standing of the District of Columbia bar. I received my law degree from Washington University School of Law in St. Louis in 1987. After law school, I served as a law clerk to the Hon. Jean F. Dwyer of the U.S. District Court for the District of Columbia, and the Hon. Robert M. Scott of the D.C. Superior Court. From 1989 to 1996, I was an Assistant Corporation Counsel for the District of Columbia.

3. From 1996 to 2005, I served as a trial attorney in the Employment Litigation Section of the U.S. Department of Justice's Civil Rights Division, where I litigated numerous employment discrimination lawsuits against state and local governments under Title VII of the Civil Rights Act of 1964.

4. I joined the Lawyers' Committee in 2005. I work in the Voting Rights Project where I am responsible for litigating cases that challenge discrimination against racial and ethnic minorities in the electoral process, as well as engaging in advocacy to promote full and equal political participation for all citizens. I have litigated several large-scale federal voting rights cases at the Lawyers' Committee, including *League of Women Voters of Ohio v. Blackwell*, 2005 U.S. Dist. LEXIS 42196 (N.D. Ohio) (alleging longstanding constitutional defects in Ohio's election system); *Inter Tribal Council of Arizona, Inc. v. Brewer (sub nom. Purcell v. Gonzalez*, 549 U.S. \_\_ (2006), 2006 U.S. LEXIS 8000) (challenging the voter ID provisions in Arizona's Proposition 200); and *Northwest Austin Municipal Utility District No. 1 v. Gonzales* (D.D.C.) (representing the NAACP Intervenor in defense of the constitutionality of the newly-reauthorized Voting Rights Act).

5. I understand that plaintiff's counsel in this case is seeking an award of attorneys' fees for representing the prevailing party. I am familiar with this case and with Michael T. Kirkpatrick, one of the lead attorneys in the case. Mr. Kirkpatrick and I worked together at the Civil Rights Division for about eight years. During that time, we worked jointly on several significant civil rights cases, including the trials of *United States v. City of Garland* and *United States v. State of Delaware*, which involved allegations of systemic "pattern or practice" discrimination by state and local governments. For several years, I observed Mr. Kirkpatrick's legal work on an almost daily basis. Mr. Kirkpatrick's litigation skills are outstanding and he has an excellent reputation

as a civil rights lawyer. In 2006, I observed Mr. Kirkpatrick successfully argue a matter before the United States Supreme Court.

6. It is my understanding that the plaintiff is requesting an hourly rate of \$375 per hour for Mr. Kirkpatrick's work. Based upon my personal knowledge of Mr. Kirkpatrick's skill, experience, and reputation, and his special competence in complex federal civil rights litigation, I believe that the hourly rate of \$375 being sought for his services in this case is reasonable and is below the prevailing rate for lawyers of his skill and experience. For example, my own hourly billing rate for work done at the Lawyers' Committee on the *League of Women Voters of Ohio* case referenced above is \$485. Because the Lawyers' Committee often co-counsels civil rights cases with members of the private bar, I am familiar with the rates charged by lawyers at private firms. Based on my work with Mr. Kirkpatrick and with members of the private bar, I can attest that lawyers with Mr. Kirkpatrick's level of skill and experience routinely charge rates significantly higher than \$375 per hour for work on federal civil rights litigation.

7. Finally, I believe that the attorneys' fees sought by plaintiff are appropriate because plaintiff's counsel served the public interest by vindicating a federal civil rights violation and holding a defendant accountable for its violation of the law.

I declare under the penalty of perjury that the foregoing is true and correct. Executed this 29<sup>TH</sup> day of January 2007.

/s/ Benjamin Blustein  
BENJAMIN BLUSTEIN  
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